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THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Peter Iwen, et al.

Serial No.: 09/580,797

Filed: May 30, 2000

For: "Materials and Methods for  
Molecular Detection of Clinically  
Relevant Pathogenic Fungal Species")

) Examiner: Goldberg, J.  
)  
) Group Art Unit: 1634  
)  
) Response to paper No. 16  
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AMENDMENT AND REQUEST FOR RECONSIDERATION UNDER 37 C.F.R.

§1.116

In response to the Official Action dated July 25, 2002,  
please amend the above-identified application as follows:

In the claims:

2. (Twice Amended) A method of determining whether one or more  
fungal *Aspergillus* species is present in a sample, said method  
comprising the following steps:

a) extracting nucleic acid material from fungi  
contained in a patient sample from a patient suspected of  
having an *Aspergillus* infection;

b) adding two oligonucleotide primers, one of said  
primers consisting of SEQ ID NO:1 and the other primer  
consisting of SEQ ID NO:2, said primers bracketing a  
hypervariable region on the rRNA present in the fungal species  
of said group, and said primers being capable of amplifying  
*Aspergillus ustus* (SEQ ID NO:3), *Aspergillus terreus* (SEQ ID  
NO:4), *Aspergillus niger* (SEQ ID NO:5), *Aspergillus fumigatus*  
(SEQ ID NO:6), *Aspergillus flavus* (SEQ ID NO:7), and  
*Aspergillus nidulans* (SEQ ID NO:8);

c) amplifying the sequence between said primers; and

d) using one or more detectably labeled probes  
directed to a portion of the hypervariable region bracketed by